

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KEITH ADKINS,

Plaintiff,

vs.

Civil Action 2:12-cv-484
Judge Marbley
Magistrate Judge King

MICHAEL ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

REPORT AND RECOMMENDATION

Upon the joint motion for remand, Doc. No. 19, it is **RECOMMENDED** that the decision of the Commissioner of Social Security be reversed pursuant to Sentence 4 of 42 U.S.C. § 405(g) and that the matter be remanded to the Commissioner for a new hearing and a new decision, with instructions to the administrative law judge to further evaluate at Step 2 the severity of plaintiff's depression and to consider evidence submitted to the Appeals Council after the administrative law judge's decision.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge

December 5, 2012
(Date)